

Motor Vehicle Appeal Process Summary (As adopted for Board of Tax Assessor Policy Manual July 10, 2014)

1. How is a motor vehicle appraised for tax purposes in Georgia?

For most vehicles the values are set out in a manual prepared by the Commissioner of the Georgia Department of Revenue. County appraisal staff personnel are required to use those values. The values shown in the motor vehicle valuation manual are values determined by the Revenue Commissioner using an average of fair market value and wholesale value. These values were prepared for taxation purposes and should not be used in appraising a vehicle for sale or purchase. The values are arrived at by using a variety of market guides that are available to the public. Many times the vehicle identification number is identical for the same make and model even though the vehicles are different.

2. What legal authority guides the process?

O.C.G.A. § 48-5C-1, pursuant to amendments recently signed into law in House Bill 266, provides for the following valuation process and definition of "Fair Market Value" :

- For new motor vehicles: Use the greater of the retail selling price (or in the case of a lease, the agreed upon value) or the value listed in the Department of Revenue assessment manual. The higher number that is used should then be reduced by the trade-in value, as well as reduced by any rebate or cash discounts provided by the selling dealer at the time of the sale. Retail selling price (or in the case of a lease, the agreed upon value) includes charges for delivery, freight, document fees, and other such fees and is meant to mirror the taxable base that was formerly used for sales tax.
- For used motor vehicles: No significant change has been made to the law; therefore the Fair Market Value is the value listed in the Department of Revenue assessment manual minus trade in for dealer sales. If not listed in the assessment manual, the assessor will use the greater of the value from the bill of sale or the "clean retail" value from the National Automobile Dealers Association guide, January 1 edition, minus trade-in value for dealer sales.
- Both new and used car dealer sales receive a reduction for trade-in value.

3. What avenues of appeal does a taxpaying owner have in case of a disagreement about the value?

There are three alternative courses available to a taxpayer currently:

a. Board of Equalization

Appealing to the Board of Equalization (BOE) is free to the taxpayer. Each BOE is a three-member panel made up of DeKalb County property owners. Each board member has attended at least 40 hours of training in property tax laws and appraisal. The BOE is independent from the Board of Tax Assessors and the Department of Appraisal and Assessment Administration.

If you select this option you will be scheduled for a hearing before the BOE. The BOE will have reviewed your letter of appeal, and will listen to your presentation, and they will listen to the County appraiser. The BOE will then render an independent decision as to the value of the property, and you will be notified of this decision in writing. Either party may appeal to Superior Court within 30 days of the BOE decision. Fees will be required if you appeal to Superior Court.

b. Binding Arbitration

Within 10 days of receiving your appeal to Binding Arbitration, the Board of Tax Assessors (BOTA) will send an acknowledgement to the taxpayer stating a requirement to provide the BOTA, at your expense, a certified appraisal of your property prepared by a qualified appraiser. Also, you will be required to submit a filing fee of \$207.50. You will have 45 days to submit your certified appraisal and your \$207.50 filing fee. Upon receipt, the Board of Tax Assessors must either accept or reject your appraisal. If we accept your appraisal this will become the final value, the appeal will be resolved, and we will return your check for \$207.50. If we do not accept your appraisal, within 45 days we must certify your appeal to the Clerk of Superior Court with your filing fee of \$207.50. If we do not act within 45 days, your certified appraisal shall become the final value.

Within 15 days of filing the appeal with the Clerk of Superior Court, the Chief Judge shall issue an order authorizing the arbitration. Within 30 days of his/her appointment, the arbitrator will schedule the time and location of the hearing.

At the Conclusion of the hearing the arbitrator shall render a decision regarding the value of the property by choosing either the value presented by the Board of Tax Assessors, or the value presented by the taxpayer. The "loser" must pay the cost of the arbitrator. Provisions of binding arbitration may be waived at any time by written consent of both parties. The decision of the arbitrator is final and is not appealable to Superior Court.

c. Affidavit of Illegality

Taxpayer choice of appealing the value of a vehicle through "an affidavit of illegality" is based on a taxpayer claim that the car should not be taxed in Georgia, probably because it was taxed elsewhere. It requires a Bond in the amount of the tax plus any penalties and interest, and shall be paid to the Tax Commissioner's office. The Tax Commissioner will forward it to Superior Court. The Affidavit of Illegality will be tried by a jury in Superior Court.

4. Does the law establish particular reasons for appealing your value?

State law says an appeal can only be filed for three reasons, and you must state which applies.

The three reasons are:

- **Value:** If you believe the State has incorrectly assessed your property
- **Taxability:** If you believe the property in question should not be taxable
- **Denial of Exemption:** If you believe you were denied an exemption which you previously applied for.

5. How does one get started? What are the procedures?

DeKalb County has created an easy to fill out, printable PDF Appeal Form, to make it easy to appeal your vehicle valuation. The use of this form is not mandatory and you may choose to write a letter instead.

All vehicles appealed in the state of Georgia are valued as of January 1 of each year. This means if you purchase property June 13 the valuation date the state uses is January 1 of that year. The valuation will consider mileage, condition and any other reason you believe the value should be reduced.

6. What documents must I include with my appeal of a vehicle value?

Things needed for the ad valorem appeal (**TAVT**)

- Appeal Form ([CLICK HERE](#)) or Letter stating your intent
- Copy of paid Tag Registration from the Tax Commissioner
- Mileage as of Jan 1
- Statement of the condition of motor vehicle and photos if possible

7. What if I disagree with the value the State has placed on my vehicle which is the value for the Ad Valorem Tax Fee?

Things needed for the title ad valorem tax fee appeal (**TAVT**)

- Appeal Form ([CLICK HERE](#)) or Letter stating your intent
- Copy of paid Tag Registration from the Tax Commissioner
- Bill of Sale
- Mileage as of sale date
- Statement of condition of motor vehicle and photos if possible

8. What are the deadlines to be met in these processes?

The deadlines for filing appeals of motor vehicle valuations are as follows:

- The TAVT has a deadline of 45 days from the due date of the tax. This can yield two dates depending on where you purchased the vehicle from.
 - If purchased from a dealer you have seven (7) days to register and title your property.
 - If you purchased from an individual you have thirty 30 days to purchase your title and register your property.
- The 45 day period starts at either one of these deadlines.
- The AVT has a much simpler deadline for the due date of the tax. Your Registration Renewal Notice serves as notice of value and is typically mailed out 6 weeks before the tax due date. The tax due date is the deadline for the appeal.

- Under State law the deadlines are firm and not flexible at the discretion of the Assessor's office or Tax Commissioner's Office.

9. How will a motor vehicle be valued when it is appealed?

A motor vehicle or a trailer once appealed, is appraised by using the average of the wholesale price (or trade in value) and the retail price, and then, according to the State procedures, adjustments will be made for differences from standards in mileage, condition, rebuilt title etc.

10. Further questions? Please contact the Property Appraisal Department if you have any questions.

Contact Personal Property Appraiser Eugene A. Roberts at 404-371-2479 or earobert@dekalbcountyga.gov